

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

MARK HOFFMAN,

Plaintiff,

v.

JOHN HEMINGWAY, ET AL.

Defendant.

Case No. 20-cv-13264

U.S. DISTRICT COURT JUDGE  
GERSHWIN A. DRAIN

U.S. MAGISTRATE ANTHONY  
PATTI

**ORDER ACCEPTING AND ADOPTING REPORT AND  
RECOMMENDATION [ECF NO. 58] AND DENYING PLAINTIFF'S  
MOTION FOR SUMMARY JUDGMENT [ECF No. 47]**

Before the Court is a Motion for Summary Judgment filed by Plaintiff Mark Hoffman on February 13, 2023. In his Motion, Plaintiff moves for summary judgment on his negligence claim against the United States. The Motion was referred to Magistrate Judge Anthony Patti.

On August 14, 2023, Judge Patti entered a "Report and Recommendation to Plaintiff's Motion For Summary Judgment" ("R&R"). [ECF No. 58]. It included a detailed factual background and analysis. Judge Patti recommended denying Plaintiffs' Motion because Plaintiff has failed to show, as a matter of law and through undisputed facts, that the United States was negligent.

Hoffman did not file objections to the R&R, and the opportunity to file objections has passed. FED. R. CIV. P. 72(b)(2). When no objections are timely filed, a district court reviews a magistrate judge's report and recommendation for clear error. FED. R. CIV. P. 72, advisory committee note ("When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.").

The Court has reviewed: Plaintiffs' Motion, Defendants' response to it, Plaintiff's reply brief, Judge Patti's R&R, and the Amended Complaint. The R&R does not contain a clear error. Therefore, the Court **ACCEPTS** and **ADOPTS** Magistrate Judge Patti's Report and Recommendation [ECF No. 58] as this Court's findings of fact and conclusions of law and the Court **DENIES** Plaintiff's Motion for Summary Judgment [ECF No. 47].

**SO ORDERED.**

Dated: December 21, 2023

/s/Gershwin A. Drain  
GERSHWIN A. DRAIN  
United States District Judge

**CERTIFICATE OF SERVICE**

Copies of this Order were served upon attorneys of record on  
December 21, 2023, by electronic and/or ordinary mail.

/s/ Teresa McGovern  
Deputy Clerk